

SENATOR COORDSEN: ...if an offer is made and an injunction is asked for based upon constitutional question?

PRESIDENT ROBAK: Thank you, Senator. Senator Withem. Senator Withem's light is next, followed by Senators Cudaback, Lindsay, Kristensen and Brashear.

SPEAKER WITHEM: Madam President, members of the body, this is one amendment that I frankly anticipated supporting because I thought it narrowed the impact of the bill, until I visited with some people that are involved in this business. And they had indicated to me that there are actually some advantages to the individual whose property is under threat of eminent domain in terms of taxation, and that it may, in fact, not be a positive benefit to the individual who ultimately will end up selling the property to not have that threat of eminent domain hanging over their head. I'd be interested in hearing some people who are maybe more conversant in the tax laws that I am discuss that point. It is an amendment I am not going to be voting for. I may not vote against it, I may simply not vote. But I do think that there are other issues involved here. I know I visited with some people off the floor, and would anticipate maybe some more discussion before we think that this is a necessarily totally agreed to amendment. This is one part of the bill that I look forward to hearing some more debate so I can cast a more intelligent vote, but at least at this point I do not plan on supporting it.

PRESIDENT ROBAK: Thank you, Senator. Senator Cudaback.

SENATOR CUDABACK: Madam Chairman, members of the body, if the body chooses to pass this amendment of Senator Wickersham's, it would make this bill very easy for me to support. Since I have been a...back when we was in grade school even we heard the eminent domain preached to us, and it was there for the good of the public. If you needed to have a road, a railroad or whatever go through your city, and it's for the good of the public, you chose to go this way and go with the eminent domain process and take the property. It really goes against my principles to transfer this to the private sector. I just don't think it's good policy for the private sector to have this ability. Maybe it won't be used. I talked to Senator Lindsay a while ago, he said it won't be used that frequently, and perhaps it won't be, but it's still a threat, it would still be a threat to the landowner, the little old lady, the little old farmer,